

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRANDY PITTMAN,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.


Case No: C 11-3443 SBA

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

The Court has construed Petitioner's motion brought under 28 U.S.C. 2255 as a petition under 28 U.S.C. § 2241 because it purported to challenge the execution, as opposed to legality, of her sentence. The Court dismissed the petition for failure to exhaust administrative remedies. Where, as here, the Court denies a habeas petition on procedural grounds without reaching the merits, a certificate of appealability should issue only if the prisoner demonstrates that reasonable jurists would find it debatable whether the court was correct in its procedural ruling, and that reasonable jurists would find it debatable whether the petition states a valid claim for the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484-85 (2000). Upon review of the record presented, the Court finds that Petitioner has failed to make either showing. Accordingly, a certificate of appealability is DENIED.

IT IS SO ORDERED.

Dated: 9/4/14


SAUNDRA BROWN ARMSTRONG
United States District Judge